

**Robert N. Chatigny
United States Courthouse
450 Main Street - Room 135 Annex
Hartford, Connecticut 06103**

April 15, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
224 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This letter responds to recent communications from Senator Sessions and his staff for information and documents relating to unpublished opinions, below-Guideline sentences, and sentencing opinions and hearing transcripts.

Unpublished Opinions. On March 8, Senator Sessions requested copies of my unpublished opinions. Copies of all my unpublished opinions were delivered to the Committee on March 9. I have no other unpublished opinions to provide.

Sentencing Departure History. On March 8, Senator Sessions requested a list of all criminal cases in which I have departed downward from the Sentencing Guidelines, including a description of the charge(s) for which the defendant was convicted, the sentence called for under the Guidelines, the sentence imposed, and the reason(s) for the departure. The United States Sentencing Commission staff assisted me by preparing a list of all cases in which I departed downward, showing: (1) the guideline minimum sentence, (2) the sentence actually imposed, (3) the offense(s) of conviction (by statute number) and (4) the reason(s) for the departure. The Commission staff did not include the docket numbers of the cases and the names of the defendants in the list in order to protect the identity of individuals who received a below-Guideline sentence at the request of the Government. I provided data to the Committee as I received it, in the form of a partial list on March 18 (covering the most recent five years), followed by a complete list on March 24.

I am now enclosing a list compiled by the Commission staff that provides all the above information with the addition of docket numbers and defendant names for all cases in which the below-Guideline sentence was not sponsored by the Government.

Sentencing Opinions and Transcripts. I have been asked to provide copies of written opinions and available hearing transcripts in cases in which I imposed a sentence

below the applicable Guideline range. Please be advised that there are no written opinions in any of these cases. In accordance with 18 U.S.C. § 3553, it has been my practice to fully explain the reasons for a departure in open court and provide a written statement of reasons to the Sentencing Commission. To identify available transcripts, I have reviewed the docket sheet in every case on the list generated by the Commission staff in which I imposed a below-Guideline sentence. Based on this review, I have identified a total of 28 cases involving downward departures in which transcripts were prepared. I am providing all 28 transcripts to the Committee with this letter.

The explanation for the small number of available transcripts is that transcripts typically are prepared only in the event of an appeal, and in my more than 15 years as a district judge, the Government has never appealed any of my sentences (in three cases, a protective notice of appeal was filed and then withdrawn). In the absence of an appeal, parties usually do not order transcripts because of the cost. I estimate that preparing transcripts in the rest of the cases in which I sentenced below the Guidelines without a Government motion would cost more than \$15,000 in public funds.

Finally, with regard to my downward departures, please note that I have previously provided an analysis prepared by the Sentencing Commission for Fiscal Years 2005-2009 showing that my departure rate is in line with the average for the District of Connecticut as a whole. I am reattaching that analysis for the convenience of the Committee.

Supplemental Items for Question 12. I also would like to provide the Committee with the following additions to my Senate Questionnaire Responses.

I have one addition to my response to Question 12.d. On September 30, 2005, I participated in a training session for members of the District Court's Criminal Justice Act Panel. I made very general remarks about sentencing (as one of three judges on a panel) and I answered questions. I am providing a copy of the program agenda. I have no notes, transcript, or recording.

I have the following additions to my response to Question 12.e, for which I am providing copies:

Jaret Seiberg, "Going Private," CONNECTICUT LAW TRIBUNE, July 5, 1993, at 3.

Mark Pazniokas, "U.S. Judges Sworn In; Week's Total is Now 3," HARTFORD COURANT, Nov. 5, 1994, at A3

Ellen Simon, "James Wade: A No-Profile Counsel for High-Profile Clients," CONNECTICUT LAW TRIBUNE, November 8, 1993, at 9.

Jaret Seiberg, "What Process is Due When There's Scant Process at All? Justice Commission Tackles Maco Hearing Without Game Plan," CONNECTICUT LAW TRIBUNE, November 8, 1993, at 1.

Thank you again for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert N. Chatigny", written in a cursive style.

Robert N. Chatigny

cc:

The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Judge Robert N. Chatigny

Index of Sentencing Hearing Transcripts for Below-Guideline Sentences

The following list of cases involving below-Guideline sentences in which a transcript of all or part of the sentencing hearing is available was compiled using the District of Connecticut's Electronic Document Filing System to search the docket sheets for each case on the list prepared by Sentencing Commission staff showing all my below-Guideline sentences.

	<u>Case No.</u>	<u>Defendant Name</u>	<u>Transcript Status</u>
1.	95-CR-112	Donald M. Judson	Provided
2.	95-CR-171	Thurman Evans	Provided
3.	96-CR-101	Abayomi Olubunmi	Provided
4.	96-CR-149	Trevor Perry	Provided
5.	96-CR-16	Craig Batchelor	Provided
6.	97-CR-77	John Salmon (partial transcript)	Provided
7.	97-CR-139	Ralph J. Crispino, Jr.	Provided
8.	97-CR-171	Darrell Harris	Provided
9.	97-CR-182	Keith Chaney (partial transcript)	Provided
10.	98-CR-33	Jose Colon	Provided
11.	99-CR-38	Philip Simone	Provided
12.	99-CR-266	Desmond Brown	Provided
13.	99-CR-266	Damian Lazarus	Provided
14.	00-CR-38	Louis Edwards	Provided
15.	00-CR-171	Casper DeBoer	Provided
16.	01-CR-242	Joel Caraballo	Provided
17.	02-CR-212	Carl Dudley	Provided
18.	03-CR-198	Norman Wiggins	Provided
19.	03-CR-207	Francia Comacho	Provided
20.	04-CR-137	Rosemarie Bria	Provided
21.	04-CR-147	Osborne Tate	Provided
22.	05-CR-50	Jeffrey Lerman	Provided
23.	05-CR-244	Khue T. Deleon (partial transcript)	Provided
24.	05-CR-249	Joseph Tomaso	Provided
25.	06-CR-16	Trevor Simpson	Provided
26.	07-CR-215	Jerry D'Aquino	Provided
27.	09-CR-10	Roger Chapell	Provided
28.	09-CR-15	Warren Raynor	Provided

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	DEFENDANT	DOCKETID	GLMIN	SENTENCE	FY	SENTDATE	STATUTE1	STATUTE2	STATUTE3	STATUTE4	STATUTE5
241920	Bailey, Richard C	9400249	6	0.00	1995	5/3/1995	18922A1A				
244890	Tracy, Richard N	9500018	6	0.00	1995	6/16/1995	18371				
259431	Judson, Donadld M	9500112	10	6.00	1996	10/17/1995	4153	4154			
298805	Garriques, Lucien Kirk	9600049	37	7.00	1997	10/4/1996	81326A				
313870	Dislaminaya, Juan Mata	9600084	77	63.00	1997	12/6/1996	81326A				
321008	Olubumni, Abayomi	9600101	46	37.00	1997	2/21/1997	81326A	81326B2			
324107	Estep, Myra J	9600150	6	0.00	1997	4/25/1997	18842A3				
329337	Williamson, William	9600110	12	0.00	1997	6/6/1997	18371				
335473	Baiz, Juan A	9700033	110	102.00	1997	7/30/1997	18922G1				
342060	Jeynes, Janet Kristen	9700078	10	5.03	1997	9/26/1997	18656				
361004	Salmon, John	9700077	15	15.00	1998	12/12/1997	182251C1A				
369323	Evans, Thurman	9500171	181	66.00	1998	3/17/1998	21841A1	21841B1A	18924C		
371270	Chaney, Keith Lamar	9700182	24	0.00	1998	3/5/1998	21843B				
375271	Perry, Trevor	9600149	999	292.00	1998	4/27/1998	21846	21841B1A	21841A1		
388987	Lopez, Jorge Jr	9700179	70	30.00	1998	5/22/1998	21846	21841B1A			
393217	Crispino, Ralph J	9700139	10	3.00	1998	8/6/1998	331319				
403535	Harris, Darrell	9700171	262	160.00	1999	10/5/1998	21841A1	21841B1A			
408465	Colon, Jose	9800033	110	97.00	1999	11/30/1998	265841	265861D	265871		
418010	Callabress, Keith	9700173	235	120.00	1999	1/22/1999	21846	21841B1A			
422233	Duncan, Clemis	9700178	235	120.00	1999	12/3/1998	21841A1	21846	21841B1A		
434912	Batchelor, Craig	9700016	262	240.00	1999	3/18/1999	21846	21841B1A			
437122	Navedo, Jose Miguel	9800158	46	37.00	1999	6/3/1999	21841A1	21846	21841B1C		
445230	Simone, Philip Dean	9900038	21	16.00	1999	7/1/1999	21846	21841B1C			
445706	Christie, Herdol	9800096	87	60.00	1999	7/27/1999	21841A1	21846	21841B1A		
449477	Brown, Robert E	9700257	57	36.00	1999	6/14/1999	265861D				
450545	Musacchio, Paul	9900120	15	4.00	1999	9/3/1999	182252AA2				
458988	Kaplow, Herbert	9900101	12	6.00	1999	8/13/1999	181341				
486379	Cyr, Galen J	9900181	18	4.00	2000	3/1/2000	267201				
503825	Collard, Douglas	0000051	12	0.00	2000	6/9/2000	2672061				
525213	Stjean, Jeffrey L	9900048	57	42.00	2001	1/18/2001	18922G1				
547851	Booth, Rudolph	9900266	18	16.00	2001	3/8/2001	21846	21841B1C			
548721	Reid, Garfield	0000035	18	13.85	2001	3/9/2001	18924A2	18922G5			
554059	Deboer, Casper	0000171	63	51.00	2001	5/1/2001	21963	21952A	21960B3		
554736	Lewis, Lenworth	9900266	70	63.00	2001	5/2/2001	21846	21841B1B			
558080	Edwards, Louis	0000038	235	120.00	2001	4/12/2001	21841A1	182	21846	21841B1B	21841B1A
563436	Lazarus, Damian	9900266	120	123.00	2001	6/1/2001	21846	21841B1A			
568337	Rhoden, Murphy	9900266	27	24.00	2001	6/29/2001	21846	21841B1C			
572981	Lue, Donovan	9900266	110	84.00	2001	9/7/2001	21846	21841B1B			
575105	Roldan, Jose R	0000186	21	18.00	2001	7/24/2001	1813441				
584991	Boykin, Tyshawn	0100071	8	6.00	2002	10/19/2001	181341				
589083	Lopez, Arminda	9900266	120	60.00	2002	11/2/2001	21841A1	21846	21841B1A		
592226	Santillo, Garrett	0000261	10	0.00	2002	10/19/2001	18875C				
606245	Craig, Fanetta V	0000186	12	16.00	2002	1/8/2002	1813442	1813441			
617516	Jones, Jeffrey Bernard	0100257	15	4.00	2002	5/31/2002	18371				
622152	Hall, Thomas Henry	0100241	30	6.00	2002	6/14/2002	18922G1	18924A2			
622536	Wright, Swan	0100257	18	12.03	2002	5/17/2002	18371				
623577	Brown, Desmond	9900266	87	81.00	2002	4/19/2002	21846	21841B1B			
623980	Davis, Maria	0000186	8	6.03	2002	4/18/2002	18371	1813442	1813441		
623981	Ford, Matricia Lawan	0000237	12	3.00	2002	4/12/2002	181344	18371			
629733	Edwards, Tamara	0100257	8	3.00	2002	6/26/2002	18371				
629898	Ackerman, Eleanor A	0200038	12	10.00	2002	6/28/2002	181341				
632097	Clarke, Ronald	9900266	87	6.00	2002	6/21/2002	21846	21841B1A			
633226	Chiles, Codi	0100257	8	4.00	2002	6/28/2002	18669				
634370	Moreno, Michael	0100214	70	30.00	2002	7/12/2002	21841A1	21841B1BII			
635249	Bryantcaple, Elisha Deann	0100257	10	6.00	2002	7/22/2002	18371				
638114	Perrone, Richard	9900266	46	39.13	2002	7/24/2002	181956				
678237	Smith, Charles	0200224	30	20.00	2003	4/25/2003	21841A1	21841B1C			

USSCIDN	REASON1	REASON2
241920	Diminished capacity (§5K2.13)	.
244890	Military record	.
259431	Family ties and responsibilities (§5H1.6)	Mental and emotional conditions (§5H1.3)
298805	Mental and emotional conditions (§5H1.3)	.
313870	Deportation	.
321008	Pursuant to plea agreement	Deportation
324107	Offense behavior was an isolated incident	.
329337	General mitigating circumstances (§5K2.0)	Family ties and responsibilities (§5H1.6)
335473	General mitigating circumstances (§5K2.0)	.
342060	Diminished capacity (§5K2.13)	.
361004	Diminished capacity (§5K2.13)	.
369323	General mitigating circumstances (§5K2.0)	.
371270	General mitigating circumstances (§5K2.0)	.
375271	Mental and emotional conditions (§5H1.3)	.
388987	Community ties (§5H1.6)	Remorse
393217	General mitigating circumstances (§5K2.0)	Offense behavior was an isolated incident
403535	Criminal history over represents defendant's involvement	.
408465	General mitigating circumstances (§5K2.0)	.
418010	Family ties and responsibilities (§5H1.6)	Physical condition (§5H1.4)
422233	General mitigating circumstances (§5K2.0)	.
434912	Mental and emotional conditions (§5H1.3)	.
437122	Other	.
445230	Offense behavior was an isolated incident	.
445706	General mitigating circumstances (§5K2.0)	.
449477	General mitigating circumstances (§5K2.0)	.
450545	General mitigating circumstances (§5K2.0)	.
458988	Family ties and responsibilities (§5H1.6)	Physical condition (§5H1.4)
486379	Physical condition (§5H1.4)	Mental and emotional conditions (§5H1.3)
503825	Not representative of the heartland	.
525213	Family ties and responsibilities (§5H1.6)	Diminished capacity (§5K2.13)
547851	Pursuant to plea agreement	.
548721	Other	.
554059	Pursuant to plea agreement	.
554736	Criminal history over represents defendant's involvement	.
558080	General mitigating circumstances (§5K2.0)	.
563436	General mitigating circumstances (§5K2.0)	.
568337	Criminal history over represents defendant's involvement	.
572981	Criminal history over represents defendant's involvement	.
575105	Criminal history over represents defendant's involvement	.
584991	Criminal history over represents defendant's involvement	.
589083	Criminal history over represents defendant's involvement	.
592226	Mental and emotional conditions (§5H1.3)	.
606245	General mitigating circumstances (§5K2.0)	.
617516	Criminal history over represents defendant's involvement	.
622152	Family ties and responsibilities (§5H1.6)	.
622536	Family ties and responsibilities (§5H1.6)	.
623577	General mitigating circumstances (§5K2.0)	.
623980	Offense behavior was an isolated incident	.
623981	Family ties and responsibilities (§5H1.6)	.
629733	Family ties and responsibilities (§5H1.6)	.
629898	Diminished capacity (§5K2.13)	.
632097	General mitigating circumstances (§5K2.0)	.
633226	Family ties and responsibilities (§5H1.6)	.
634370	General mitigating circumstances (§5K2.0)	.
635249	Criminal history over represents defendant's involvement	.
638114	Rehabilitation	.
678237	General mitigating circumstances (§5K2.0)	Rehabilitation

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	REASON3	REASON4
241920	.	.
244890	.	.
259431	.	.
298805	.	.
313870	.	.
321008	.	.
324107	.	.
329337	.	.
335473	.	.
342060	.	.
361004	.	.
369323	.	.
371270	.	.
375271	.	.
388987	Family ties and responsibilities (\$5H1.6)	.
393217	.	.
403535	.	.
408465	.	.
418010	Rehabilitation	.
422233	.	.
434912	.	.
437122	.	.
445230	.	.
445706	.	.
449477	.	.
450545	.	.
458988	.	.
486379	.	.
503825	.	.
525213	.	.
547851	.	.
548721	.	.
554059	.	.
554736	.	.
558080	.	.
563436	.	.
568337	.	.
572981	.	.
575105	.	.
584991	.	.
589083	.	.
592226	.	.
606245	.	.
617516	.	.
622152	.	.
622536	.	.
623577	.	.
623980	.	.
623981	.	.
629733	.	.
629898	.	.
632097	.	.
633226	.	.
634370	.	.
635249	.	.
638114	.	.
678237	.	.

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	REASON5	REASON6	REASON7	REASON8
241920	.	.	.	.
244890	.	.	.	.
259431	.	.	.	.
298805	.	.	.	.
313870	.	.	.	.
321008	.	.	.	.
324107	.	.	.	.
329337	.	.	.	.
335473	.	.	.	.
342060	.	.	.	.
361004	.	.	.	.
369323	.	.	.	.
371270	.	.	.	.
375271	.	.	.	.
388987	.	.	.	.
393217	.	.	.	.
403535	.	.	.	.
408465	.	.	.	.
418010	.	.	.	.
422233	.	.	.	.
434912	.	.	.	.
437122	.	.	.	.
445230	.	.	.	.
445706	.	.	.	.
449477	.	.	.	.
450545	.	.	.	.
458988	.	.	.	.
486379	.	.	.	.
503825	.	.	.	.
525213	.	.	.	.
547851	.	.	.	.
548721	.	.	.	.
554059	.	.	.	.
554736	.	.	.	.
558080	.	.	.	.
563436	.	.	.	.
568337	.	.	.	.
572981	.	.	.	.
575105	.	.	.	.
584991	.	.	.	.
589083	.	.	.	.
592226	.	.	.	.
606245	.	.	.	.
617516	.	.	.	.
622152	.	.	.	.
622536	.	.	.	.
623577	.	.	.	.
623980	.	.	.	.
623981	.	.	.	.
629733	.	.	.	.
629898	.	.	.	.
632097	.	.	.	.
633226	.	.	.	.
634370	.	.	.	.
635249	.	.	.	.
638114	.	.	.	.
678237	.	.	.	.

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	DEFENDANT	DOCKETID	GLMIN	SENTENCE	FY	SENTDATE	STATUTE1	STATUTE2	STATUTE3	STATUTE4	STATUTE5
698186	Dudley, Carl	0200212	262	135.00	2003	6/13/2003	21841A1	21841B1AII			
701035	Caraballo, Joel	0100242	180	60.00	2003	5/9/2003	18924E	18922G1			
716041	Cothran, Keith Curtis	0200028	18	9.03	2003	12/6/2002	21841A1	21841B1C			
719879	Copeland, Ruby	0200354	70	36.00	2003	9/19/2003	21841A1	21841B1C			
726917	Moore, Anthony	0200374	70	60.00	2003	9/5/2003	18922G1				
760478	Andrews, Kimberly A	0300198	12	0.00	2004	7/2/2004	21841A1	21841B1C			
760724	Comacho, Francia	0300207	46	22.00	2004	12/12/2003	181956A1BI				
773410	Iv, Tin	0300153	27	12.03	2004	8/30/2004	18371	182	81325		
778442	Bria, Rosemarie D	0400137	12	6.00	2004	9/9/2004	2672061				
781317	Demartin, Christopher G	0300198	15	0.00	2004	8/5/2004	21841A1	21841B1C			
801613	Delossantos, Freddy	0300096	37	15.00	2004	12/22/2003	21846				
804489	Valente, John J	0300357	12	6.03	2004	4/28/2004	1813441				
814023	Youngblood, Norman J	0300314	10	4.00	2004	4/8/2004	18922G3				
826573	Jones, Sharon D	0200344	8	0.00	2004	4/28/2004	18371				
793880	Grasson, Albert J	0400239	10	5.00	2005	11/23/2004	2672061				
803449	Barretta, Francis R	0300198	41	17.20	2005	1/28/2005	21841A1	21841B1C			
844571	Ferminaguino, Paulino	0300198	70	48.00	2005	4/26/2005	21841A1	21841B1AI			
849778	Caines, Cheryl	0300105	84	9.00	2005	1/10/2005	21841A1	21841B1C			
851199	Arrowood, Rebecca M	0400089	15	11.82	2005	5/20/2005	181952A3A				
860475	Johnson, Donna	0300198	15	0.00	2005	5/9/2005	21841A1	21841B1C			
900855	Festa, Stephen	0400233	21	18.00	2006	11/21/2005	182252AA5B				
913715	Wiggins, Norman	0300198	151	84.00	2006	1/27/2006	21841A1	21841B1C			
919091	Marrero, Antonio	0300198	70	60.00	2006	3/3/2006	21846	21841B1AI			
924518	Collier, Lawrence	0500305	15	0.00	2006	5/4/2006	181461				
933541	Chaggaris, Evan	0500075	10	0.00	2006	5/8/2006	18876C				
1006851	Morrelli, Joseph	0500044	18	6.00	2006	5/26/2006	18924A2	18922A6			
1019003	Tomaso, Joseph	0500249	24	12.03	2006	8/11/2006	181341				
1023723	Tate, Osborne A	0400147	262	180.00	2006	9/11/2006	21841B1AII				
1047273	Bishop, Donna M	0500135	21	12.00	2007	12/20/2006	181341				
1062664	Hoyt, Charles	0500321	27	6.30	2007	3/5/2007	21841A1	21846	21841B1B		
1064737	Adams, Darin	0600255	37	20.00	2007	3/2/2007	21963				
1064805	Ramdeen, O'neil	0600066	21	6.00	2007	3/8/2007	184				
1065745	Ford, Reggie	0400131	120	84.00	2007	3/12/2007	18922J	21844A	18924A2		
1074538	Martorelli, Sharlene	0500321	24	0.66	2007	4/23/2007	21841A1	21841B1C			
1083940	Costanzo, Barbara	0500321	18	0.16	2007	5/8/2007	21841A1	21841B1C			
1083957	Harris, Anthony	0400360	420	300.00	2007	5/21/2007	21841A1	18924C1A	18922G1	21841B1BI	18924E1
1084888	Rueli, Thomas J	0600020	78	57.00	2007	6/28/2007	181341	18371			
1085058	Dole, Matthew M	0600262	33	12.03	2007	6/25/2007	182252A5B				
1095167	Lerman, Jeffrey	0500050	46	6.00	2007	8/7/2007	18371				
1095234	Avila, Alejandro	0700048	10	4.72	2007	8/8/2007	81326A	181546A			
1098648	Frano, Wayne	0500321	24	6.72	2007	8/28/2007	21841A1	21841B1C			
1100682	Carlin, Eugene	0700068	18	18.03	2007	8/29/2007	2672062	267201			
1102501	Berbic, Snezana	0700080	30	21.03	2007	9/6/2007	2672061				
1103986	Palmeira, Jason Anthony	0700116	57	36.00	2007	9/17/2007	182423B				
1104239	Kleinberg, Seth	0500049	63	0.00	2007	9/17/2007	18371	171201A1A			
1106848	Deleon, Khue T	0500244	15	12.00	2007	9/13/2007	181014				
1118479	Ambrogio, Toni	0600041	12	6.00	2007	5/7/2007	181341				
1115173	Murray, Anika K	0600193	70	16.36	2008	11/9/2007	21841A1	21841B1C	21846		
1127493	Bowerbank, Tony Garth	0600193	70	30.00	2008	12/21/2007	21841A1	21841B1C			
1132028	Simpson, Trevor	0600016	210	160.00	2008	1/10/2008	21841A1	21841B1A			
1132352	Kennedy, Thomas J	0700186	30	30.00	2008	1/23/2008	181341	2672061			
1141194	Caron, Amie	0700306	12	9.00	2008	3/11/2008	181623				
1147962	Davison, Richard	0700087	12	7.00	2008	4/14/2008	18922J				
1149634	Carrers, Scott	0700096	30	6.00	2008	4/22/2008	18371				
1153142	Daquino, Jerry	0700215	41	27.00	2008	4/24/2008	181341	18371	182		
1154311	Stengel, James	0700290	10	6.00	2008	4/28/2008	18922A6				
1154469	Kaura, Gurdev	0800016	10	6.00	2008	5/14/2008	2672061				

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	REASON1	REASON2
698186	Criminal history over represents defendant's involvement	.
701035	General mitigating circumstances (§5K2.0)	.
716041	Rehabilitation	.
719879	Diminished capacity (§5K2.13)	Mental and emotional conditions (§5H1.3)
726917	Criminal history over represents defendant's involvement	.
760478	Family ties and responsibilities (§5H1.6)	.
760724	Aberrant behavior (§5K2.20)	.
773410	Aberrant behavior (§5K2.20)	.
778442	General mitigating circumstances (§5K2.0)	Mental and emotional conditions (§5H1.3)
781317	General mitigating circumstances (§5K2.0)	Other
801613	Other	.
804489	Diminished capacity (§5K2.13)	.
814023	Aberrant behavior (§5K2.20)	.
826573	Aberrant behavior (§5K2.20)	General mitigating circumstances (§5K2.0)
793880	Acceptance of responsibility	General mitigating circumstances (§5K2.0)
803449	General mitigating circumstances (§5K2.0)	.
844571	Aberrant behavior (§5K2.20)	General mitigating circumstances (§5K2.0)
849778	Mental and emotional conditions (§5H1.3)	General mitigating circumstances (§5K2.0)
851199	General mitigating circumstances (§5K2.0)	Time served
860475	Insufficient documentation provided on SOR to determine reason	.
900855	Mental and emotional conditions (§5H1.3)	.
913715	Criminal history issues	Criminal history issues
919091	Reduce disparity	General mitigating circumstances (§5K2.0)
924518	Diminished capacity (§5K2.13)	.
933541	Diminished capacity (§5K2.13)	.
1006851	General mitigating circumstances (§5K2.0)	Rehabilitation
1019003	Physical condition (§5H1.4)	.
1023723	General guideline adequacy issues	General mitigating circumstances (§5K2.0)
1047273	Diminished capacity (§5K2.13)	.
1062664	Diminished capacity (§5K2.13)	Rehabilitation
1064737	Age (§5H1.1)	Previous employment record (§5H1.5)
1064805	Aberrant behavior (§5K2.20)	.
1065745	Criminal history issues	Rehabilitation
1074538	Family ties and responsibilities (§5H1.6)	Rehabilitation
1083940	Mental and emotional conditions (§5H1.3)	General mitigating circumstances (§5K2.0)
1083957	Nature and circumstance of offense/history of defendant	Reflect seriousness of offense/promotes respect for law/just punishment
1084888	Mental and emotional conditions (§5H1.3)	General mitigating circumstances (§5K2.0)
1085058	Mental and emotional conditions (§5H1.3)	.
1095167	Nature and circumstance of offense/history of defendant	Avoid unwarranted sentencing disparity among defendants
1095234	Family ties and responsibilities (§5H1.6)	.
1098648	Educational and vocational skills (§5H1.2)	Family ties and responsibilities (§5H1.6)
1100682	Family ties and responsibilities (§5H1.6)	Nature and circumstance of offense/history of defendant
1102501	Family ties and responsibilities (§5H1.6)	.
1103986	Nature and circumstance of offense/history of defendant	Reflect seriousness of offense/promotes respect for law/just punishment
1104239	Reduce disparity	Mental and emotional conditions (§5H1.3)
1106848	Family ties and responsibilities (§5H1.6)	.
1118479	Family ties and responsibilities (§5H1.6)	Diminished capacity (§5K2.13)
1115173	Family ties and responsibilities (§5H1.6)	Family ties and responsibilities (§5H1.6)
1127493	Nature and circumstance of offense/history of defendant	Educational and vocational skills (§5H1.2)
1132028	Time served	Reduce disparity
1132352	Nature and circumstance of offense/history of defendant	Physical condition (§5H1.4)
1141194	Family ties and responsibilities (§5H1.6)	Rehabilitation
1147962	Criminal history issues	Nature and circumstance of offense/history of defendant
1149634	Nature and circumstance of offense/history of defendant	Reflect seriousness of offense/promotes respect for law/just punishment
1153142	General mitigating circumstances (§5K2.0)	.
1154311	Family ties and responsibilities (§5H1.6)	Aberrant behavior (§5K2.20)
1154469	Cooperation (motion unknown)	Other

USSCIDN	REASON3	REASON4
698186	.	.
701035	.	.
716041	.	.
719879	.	.
726917	.	.
760478	.	.
760724	.	.
773410	.	.
778442	.	.
781317	.	.
801613	.	.
804489	.	.
814023	.	.
826573	18 U.S.C. § 3553(a)	.
793880	.	.
803449	.	.
844571	.	.
849778	Diminished capacity (§5K2.13)	.
851199	.	.
860475	.	.
900855	.	.
913715	Drug dependence/alcohol abuse (§5H1.4)	Family ties and responsibilities (§5H1.6)
919091	Family ties and responsibilities (§5H1.6)	Criminal history issues
924518	.	.
933541	.	.
1006851	Physical condition (§5H1.4)	Mental and emotional conditions (§5H1.3)
1019003	.	.
1023723	Reduce disparity	.
1047273	.	.
1062664	.	.
1064737	Family ties and responsibilities (§5H1.6)	Military record/charitable works/good deeds (§5H1.11)
1064805	.	.
1065745	Criminal history issues	.
1074538	.	.
1083940	Rehabilitation	.
1083957	Afford adequate deterrence to criminal conduct	Protect public from further crimes
1084888	Diminished capacity (§5K2.13)	Aberrant behavior (§5K2.20)
1085058	.	.
1095167	Mental and emotional conditions (§5H1.3)	Cooperation without motion (not §5K1.1)
1095234	.	.
1098648	Drug dependence/alcohol abuse (§5H1.4)	Rehabilitation
1100682	.	.
1102501	.	.
1103986	Afford adequate deterrence to criminal conduct	Aberrant behavior (§5K2.20)
1104239	Diminished capacity (§5K2.13)	Criminal history issues
1106848	.	.
1118479	.	.
1115173	.	.
1127493	Previous employment record (§5H1.5)	Family ties and responsibilities (§5H1.6)
1132028	Nonviolent offense/offender	Cooperation without motion (not §5K1.1)
1132352	Family ties and responsibilities (§5H1.6)	.
1141194	.	.
1147962	Family ties and responsibilities (§5H1.6)	.
1149634	Avoid unwarranted sentencing disparity among defendants	Family ties and responsibilities (§5H1.6)
1153142	.	.
1154311	General mitigating circumstances (§5K2.0)	Rehabilitation
1154469	Military record/charitable works/good deeds (§5H1.11)	Restitution

USSCIDN	REASON5	REASON6	REASON7	REASON8
698186	.	.	.	.
701035	.	.	.	.
716041	.	.	.	.
719879	.	.	.	.
726917	.	.	.	.
760478	.	.	.	.
760724	.	.	.	.
773410	.	.	.	.
778442	.	.	.	.
781317	.	.	.	.
801613	.	.	.	.
804489	.	.	.	.
814023	.	.	.	.
826573	.	.	.	.
793880	.	.	.	.
803449	.	.	.	.
844571	.	.	.	.
849778	.	.	.	.
851199	.	.	.	.
860475	.	.	.	.
900855	.	.	.	.
913715	Previous employment record (§5H1.5)	.	.	.
919091	.	.	.	.
924518	.	.	.	.
933541	.	.	.	.
1006851	Drug dependence/alcohol abuse (§5H1.4)	.	.	.
1019003	.	.	.	.
1023723	.	.	.	.
1047273	.	.	.	.
1062664	.	.	.	.
1064737	Aberrant behavior (§5K2.20)	Cooperation without motion (not §5K1.1)	Mule/role in the offense	Defendant's positive background or good character
1064805	.	.	.	.
1065745	.	.	.	.
1074538	.	.	.	.
1083940	.	.	.	.
1083957	Provide defendant with educational or vocational training/medical care	Age (§5H1.1)	.	.
1084888	.	.	.	.
1085058	.	.	.	.
1095167	Diminished capacity (§5K2.13)	Conduct on release/bond/supervision	.	.
1095234	.	.	.	.
1098648	Previous employment record (§5H1.5)	General mitigating circumstances (§5K2.0)	.	.
1100682	.	.	.	.
1102501	.	.	.	.
1103986	Remorse	.	.	.
1104239	Deterrence	Low likelihood of recidivism/not a risk to community	.	.
1106848	.	.	.	.
1118479	.	.	.	.
1115173	.	.	.	.
1127493	Mule/role in the offense	Criminal history issues	.	.
1132028	Other	Age (§5H1.1)	.	.
1132352	.	.	.	.
1141194	.	.	.	.
1147962	.	.	.	.
1149634	Cooperation without motion (not §5K1.1)	Aberrant behavior (§5K2.20)	.	.
1153142	.	.	.	.
1154311	.	.	.	.
1154469	Previous employment record (§5H1.5)	Family ties and responsibilities (§5H1.6)	.	.

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	DEFENDANT	DOCKETID	GLMIN	SENTENCE	FY	SENTDATE	STATUTE1	STATUTE2	STATUTE3	STATUTE4	STATUTE5
1159586	Graettinger, Christina	0700087	46	37.00	2008	6/9/2008	18922A1A				
1165921	Mello, Joseph	0700224	30	30.00	2008	6/26/2008	181341	2672061			
1166607	Jaeger, Daniel James	0800081	30	0.00	2008	6/27/2008	18371				
1173220	Thomas, Teon	0700087	120	110.00	2008	8/6/2008	18922J				
1173222	Graziani, Louis	0700281	51	24.00	2008	8/6/2008	182252AA5				
1193659	Patel, Priyavrat H	0800011	18	12.00	2009	10/28/2008	181030A5A	181030A5BI			
1209016	Matthews, Joshua	0800010	37	12.03	2009	12/18/2008	21841A1	21841B1C			
1217030	Sierra, Raymond	0700254	37	30.00	2009	1/29/2009	21846				
1230571	Morris, Donald	0800251	18	18.00	2009	3/20/2009	2672062				
1238242	House, Christopher	0900026	37	12.03	2009	4/29/2009	182252AA5B				
1239421	Chapell, Roger Dean	0900010	37	14.00	2009	5/5/2009	182252AA5B				
1244603	Ashe, Cassandra	0800117	24	18.03	2009	5/28/2009	18666A1A	18371			
1246528	Collado, Apolinar	0900043	21	20.00	2009	5/18/2009	81326A	81326B2			
1274680	Hackett, Wade	0900104	37	24.00	2009	9/28/2009	18922G1				

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	REASON1	REASON2
1159586	Criminal history issues	.
1165921	Cooperation/Attempted Cooperation (not 5K, not with prosecution, per se)	Military record/charitable works/good deeds (§5H1.11)
1166607	Low likelihood of recidivism/not a risk to community	Impact on employment of defendant/others
1173220	Criminal history issues	Criminal history issues
1173222	Nature and circumstance of offense/history of defendant	Family ties and responsibilities (§5H1.6)
1193659	Aberrant behavior (§5K2.20)	.
1209016	Nature and circumstance of offense/history of defendant	Provide defendant with educational or vocational training/medical care
1217030	Conduct on release/bond/supervision	Lack of youthful guidance/tragic or troubled childhood
1230571	Nature and circumstance of offense/history of defendant	Educational and vocational skills (§5H1.2)
1238242	Nature and circumstance of offense/history of defendant	Criminal history issues
1239421	Nature and circumstance of offense/history of defendant	Mental and emotional conditions (§5H1.3)
1244603	Family ties and responsibilities (§5H1.6)	.
1246528	Insufficient documentation provided on SOR to determine reason	Reflect seriousness of offense/promotes respect for law/just punishment
1274680	Nature and circumstance of offense/history of defendant	Provide defendant with educational or vocational training/medical care

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	REASON3	REASON4
1159586	.	.
1165921	General mitigating circumstances (§5K2.0)	.
1166607	Criminal history issues	Cooperation (motion unknown)
1173220	.	.
1173222	Rehabilitation	.
1193659	.	.
1209016	Avoid unwarranted sentencing disparity among defendants	Mule/role in the offense
1217030	Rehabilitation	General mitigating circumstances (§5K2.0)
1230571	Family ties and responsibilities (§5H1.6)	Community ties (§5H1.6)
1238242	.	.
1239421	Physical condition (§5H1.4)	Aberrant behavior (§5K2.20)
1244603	.	.
1246528	Time served	.
1274680	Mental and emotional conditions (§5H1.3)	Previous employment record (§5H1.5)

Cases Sentenced Below the Sentencing Guideline Range, Judge Robert N. Chatigny, Fiscal Year 1995-2009

USSCIDN	REASON5	REASON6	REASON7	REASON8
1159586	.	.	.	.
1165921	.	.	.	.
1166607	Loss issues	Remorse	.	.
1173220	.	.	.	.
1173222	.	.	.	.
1193659	.	.	.	.
1209016	Criminal history issues	General guideline adequacy issues	.	.
1217030	.	.	.	.
1230571	Aberrant behavior (§5K2.20)	Low likelihood of recidivism/not a risk to community	.	.
1238242	.	.	.	.
1239421	Rehabilitation	Low likelihood of recidivism/not a risk to community	.	.
1244603	.	.	.	.
1246528	.	.	.	.
1274680	Family ties and responsibilities (§5H1.6)	Criminal history issues	.	.

CJA FEDERAL CRIMINAL PRACTICE SEMINAR

SEPTEMBER 30, 2005

**Location: *Water's Edge Resort & Spa*
1525 Boston Post Road
*Westbrook, CT***

AGENDA

8:30 - 9:00 Registration/Continental Breakfast

Welcoming Remarks

THOMAS G. DENNIS
CHIEF FEDERAL DEFENDER
DISTRICT OF CONNECTICUT

9:00 - 9:30 Overview: ECF Status And CJA Invoicing

VICTORIA MINOR, CHIEF DEPUTY CLERK
U.S. DISTRICT COURT
NEW HAVEN

9:30 - 10:00 Defending A Methamphetamine Case

GARY D. WEINBERGER, ASSISTANT FEDERAL DEFENDER

10:00 - 10:30 The Past Ain't What It Used To Be: *Shepard v. United States* And Its Impact On Criminal History

THOMAS BELSKY, ASSISTANT FEDERAL DEFENDER

10:30 - 10:45 Break

10:45 - 11:15 Booker Developments In The Second Circuit And Beyond

SARAH F. RUSSELL, ASSISTANT FEDERAL DEFENDER

Appellate Issues: What Works And What Does Not Work

SARAH F. RUSSELL, ASSISTANT FEDERAL DEFENDER

11:15 - 11:30 BOP Advocacy

TODD A. BUSSERT, ESQ.
LAW OFFICE OF TODD A. BUSSERT

11:30 - 12:30 The Nature Of Human Memory High Stress Events: Scientific And Legal Implications

CA Morgan III MD, MA
ASSOCIATE PROFESSOR OF PSYCHIATRY
SECTION OF LAW & PSYCHIATRY
RESEARCH AFFILIATE, HISTORY OF MEDICINE
YALE UNIVERSITY SCHOOL OF MEDICINE

CJA FEDERAL CRIMINAL PRACTICE SEMINAR

SEPTEMBER 30, 2005

12:30 - 2:00 **Lunch Break (On Your Own)**

2:00 - 2:30 **Crawford v. Washington**

TERENCE S. WARD, ASSISTANT FEDERAL DEFENDER

2:30 - 3:00 **Issues Of Concern To Panel Members**

SHELLEY R. SADIN, ESQ., CJA PANEL REPRESENTATIVE
ZELDES, NEEDLE & COOPER, P.C.

3:00 - 5:00 **Sentencing Forum**

MODERATOR: CRAIG RAABE, ESQ.
ROBINSON & COLE, LLP

PANEL: HONORABLE ROBERT N. CHATIGNY
HONORABLE JANET B. ARTERTON
HONORABLE JANET C. HALL

WILLIAM NARDINI, ESQ.
ASSISTANT UNITED STATES ATTORNEY

WARREN MAXWELL
DEPUTY CHIEF, UNITED STATES PROBATION
OFFICE

5:00 **Adjourn**

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July 5, 1993

Volume 19; Issue 27

Section: Behind the Bar

GOING PRIVATE

Jaret Seiberg

Robert W. Werner is jumping from the public sector, where he has spent nearly his entire legal career, to Hartford's **Chatigny & Cowdery**, where he will specialize in white-collar criminal defense work.

'I am excited and a little bit nervous because I've been out of the day-to-day law practice,' says Werner, who has served for the past year as the executive director of the Division of Special Revenue.

Robert **Chatigny**, who began his small firm in 1983 with Richard N. Palmer, now a state Supreme Court justice, says the firm hired Werner to help it cope with a steadily expanding practice.

'We know him to be an exceptionally talented and very fine person who is a very fine lawyer,' **Chatigny** says. 'He has the kind of background and experience we are looking for.'

Werner says financial considerations were at the top of his list of reasons for leaving the public sector, especially because he and his wife are expecting a child this fall.

His public service tenure began shortly after he graduated from law school when he clerked for U.S. Supreme Court justices Lewis F. Powell Jr. and Anthony M. Kennedy. He also served in the U.S. Attorney's office in Connecticut and as special counsel to Gov. Lowell P. Weicker Jr.

During Werner's tenure at Special Revenue, he successfully led an effort to privatize the state's off-track betting enterprise. He also served at the helm during a raucous legislative battle over legalizing casino gambling in the state.

Inheriting this legalized gambling headache will be John B. Meskill, who currently serves as the unit chief in the planning and research division. Meskill, the son of former state governor and Senior Circuit Judge Thomas J. Meskill of the U.S. Court of Appeals for the 2nd Circuit, spent his first four years out of law school at New Britain's Sledzik & McGuire before leaving to become a unit chief at Special Revenue. As a unit chief, he says he worked closely with Werner on all of the division's major projects, including the shift that he plans to continue from game operator to game regulator.

'That will be the direction this agency is going,' Meskill says.

---- INDEX REFERENCES ---

COMPANY: US COURT OF APPEALS

NEWS SUBJECT: (Legal (1LE33); Judicial (1JU36))

REGION: (Connecticut (1CO13); New England (1NE37); North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

OTHER INDEXING: (CIRCUIT; SPECIAL REVENUE; SUPREME COURT; US COURT OF APPEALS; US SUPREME COURT) (Anthony M. Kennedy; Chatigny; Inheriting; John B. Meskill; Lewis F. Powell Jr.; Lowell P. Weicker Jr; Meskill; Richard N. Palmer; Robert Chatigny; Robert W. Werner; Thomas J. Meskill; Werner)

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November 5, 1994

Section: CONNECTICUT

U.S. JUDGES SWORN IN; WEEK'S TOTAL IS NOW 3
MARK PAZNIOKAS
Courant Staff Writer

The federal judiciary ended a historic week Friday with the investiture of two new U.S. District Court judges, including the first black judge to sit on the federal bench in Connecticut.

Alvin W. Thompson and Robert N. Chatigny took the oath of office from U.S. Sen. Christopher Dodd in afternoon ceremonies. With Dominic J. Squatrito, who took office Monday, they increase from four to seven the number of active federal judges in the state.

"Three judges in a week -- this clearly must be an all-time record," said William E. Willis, chairman of the American Bar Association committee that screens district court nominees.

Until this week, only one new federal judge had taken office here in the past nine years. A fourth new judge, Janet Arterton, has been recommended to President Clinton for the state's remaining judicial vacancy by U.S. Sen. Joseph I. Lieberman.

Squatrito, Thompson and Chatigny are among 101 federal judges confirmed this year, the highest number in 15 years. In all, there have been 129 federal judges confirmed in the first two years of the Clinton administration, which has sought credentials, youth and diversity.

Clinton has attempted to remake the face of the federal judiciary, and 58 percent of his nominations have been women or members of minority groups.

Thompson, 41, of Windsor, was one of a handful of black managing partners of major U.S. law firms when nominated by Clinton. He became managing partner of Robinson & Cole of Hartford, one of the state's biggest firms, in 1991 at the age of 38.

Dodd called Thompson's a storybook life of a young man who overcame adversity. His father died when Thompson, the youngest of six children, was 2 years old; from a poor family in Baltimore's inner city, he won scholarships to Princeton University and Yale Law School.

Thompson said he may have grown up with modest means, but thanks to his mother, Grizell Thompson Parsons, "We never lacked for anything of importance."

As his wife, Lesley Morgan Thompson, and their three school- age children watched, U.S. Marshal John O'Connor and Thompson's mother helped him into his black judicial robes. Thompson smiled and the audience laughed as his mother fussed over the robes, arranging them just so.

Chatigny, 42, of Bloomfield, also is one of six children. He grew up in upstate New York and worked his way through Brown University and the Georgetown University Law Center. He was a partner in the small Hartford litigation firm of Chatigny and Cowdery.

Chief Judge Jon O. Newman of the 2nd Circuit Court of Appeals, whom Chatigny served as a law clerk, described Chatigny as a former protege of the legendary Edward Bennett Williams. Even as a clerk, Newman **said, Chatigny** had the obvious potential to be a judge.

Chatigny swore the oath of office as his 6-year-old son, Peter, held the Bible and his wife, Stacey L. Savin, snapped photographs. **Chatigny said,** ``I feel like the luckiest person in the universe."

Peter C. Dorsey, the chief judge of the Connecticut district, said the ceremonies were happy events for the entire judiciary, as well as the families of Thompson and Chatigny.

Caseloads had risen dramatically in the past three years, making judges here some of the busiest in the nation.

``Thanks to you, Sen. Dodd, it's getting a little crowded up here," Dorsey **said as Chatigny** prepared to take his seat as the seventh active, or full-time, district court judge in Connecticut.

Dorsey said his caseload will go down by about 200 cases, from 675. Three years ago he carried only 315 cases. Other judges will see similar reductions, and plaintiffs will get their day in court much more quickly, he said.

``I've had motions pending for more than six months, which is appalling," Dorsey said. ``I have more pending motions than the whole Southern District of New York, which has 26 or 27 judges."

---- INDEX REFERENCES ---

COMPANY: AMERICAN BAR ASSOCIATION

NEWS SUBJECT: (Legal (1LE33); Judicial (1JU36))

REGION: (Connecticut (1CO13); USA (1US73); Americas (1AM92); New England (1NE37); North America (1NO39); New York (1NE72))

Language: EN

OTHER INDEXING: (2ND CIRCUIT COURT OF APPEALS; AMERICAN BAR ASSOCIATION; BROWN UNIVERSITY; CONNECTICUT; EDWARD BENNETT WILLIAMS; GEORGETOWN UNIVERSITY LAW CENTER; PRINCETON UNIVERSITY; ROBINSON COLE; US DISTRICT COURT; US SEN; YALE LAW SCHOOL) (Alvin W. Thompson; Bible; Chatigny; Christopher Dodd; Clinton; Cowdery; Dodd; Dominic J. Squatrito; Dorsey; Janet Arterton; John O'Connor; Jon O. Newman; Joseph I. Lieberman; Lesley; Morgan Thompson; Newman; Peter; Peter C. Dorsey; Robert N. Chatigny; Squatrito; Stacey L. Savin; Thompson; Thompson Parsons; William E. Willis)

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Volume 19; Issue 44

JAMES WADE: A NO-PROFILE COUNSEL FOR HIGH-PROFILE CLIENTS

Ellen Simon

Defense attorney James A. Wade and his client, Litchfield State's Attorney Frank S. Maco, looked pretty bad last Wednesday night in Wallingford.

Maco looked tight and pinched. Wade was wearing a well-pressed suit and a rumpled face. The suit was impeccable--standard-issue big-firm finery befitting a Robinson & Cole partner. The face resembled lawn furniture still outside at the end of November.

Yet the two had just won in a major battle before the Criminal Justice Commission over a complaint filed by filmmaker Woody Allen against Maco. Ellen had charged Maco with violating the Rules of Professional Conduct by announcing in late September that he would not seek a warrant for Allen's arrest for allegedly molesting his seven-year-old adopted daughter Dylan Farrow, even though he believed he had probable cause to do so. (See related story, page one.)

Maco originally hired Bridgeport's Jacob D. Zeldes, of Zeldes, Needle & Cooper, but Zeldes was disqualified the week of the session because of possible conflicts. When Zeldes disclosed his business and social relationships with some of the commissioners, they decided he could only appear before them with the consent of Allen's attorneys. They did not consent.

As the commission spoke to the press four hours after going into executive session, it was obvious that Wade's victory was neither easy nor complete. James F. Stapleton, a Day, Berry & Howard partner and the commission chair, called Maco's comments insensitive and inappropriate, but said they did not violate the ethical rules. His motion dismiss the complaint passed unanimously.

But when he opened the floor for comments, Superior Court Judge A. William Mottolese, a commission member, took Maco to task. As he spoke, Maco looked on with his arms tightly crossed. Wade sat next to him, passing something small from one hand to the next, twisting it and twisting it.

It was hard to tell what transgressed behind the commission's closed doors-- and that likely suited Wade just fine. The quest for no publicity is classic Wade. Wade isn't a low-profile guy who takes high-profile cases. He's a no-profile guy who takes explosive cases.

Wade doesn't talk to the press at all, except to firmly refuse to talk to the press at all. And he likes to keep matters firmly in hand, even if it means shutting other lawyers out of the process.

At the Maco hearing, according to Robert N. **Chatigny**, one of the lawyers for Allen, Wade moved to have Allen's lawyers dismissed because they had no business appearing in the context of a personnel matter between Maco and the commission.

'He asked that we not disclose his response to the complaint, on the theory that we were not entitled to have it,' says **Chatigny**, of Hartford's **Chatigny & Cowdery**.

In the end, however, Allen's lawyers were allowed to stay; they just couldn't disclose what had transpired at the session.

Vintage Wade.

When Connecticut Magazine named Wade in a story about the top four defense lawyers in the state, the other three, Zeldes, Maco's first choice for a lawyer, Hugh F. Keefe of New Haven, and Hubert J. Santos of Hartford, were photographed individually standing firm and tall against a dramatic dusky blue sky.

Wade was nowhere to be seen.

Again, vintage Wade.

Born to Try Cases

Wade, 56, was born on Staten Island and educated at Yale and the University of Virginia School of Law. He served as a lawyer in the JAG Corps in the U.S. Navy, and then joined Robinson & Cole. He golfs and tries cases. It's unclear when he started golfing. He started trying cases as soon as he finished law school.

Wade has made his name trying cases. He's a rare bird for these parts: a big-firm lawyer--Robinson & Cole is the state's second-largest firm--who gets down and dirty in the criminal-defense trenches. He takes all kinds of criminal cases: DWI with manslaughter; blowing someone up with dynamite; murder with the air conditioner set low to mask the time of death (with the murderer going sailing and faking a ship-to-shore call); assault with a bottle, provoked by a thrown bottle cap; an explosives factory explosion that sent a man almost a mile away flying out of bed.

He's also made a practice of taking on various state agencies. One big win during his first decade of practice was a decision throwing out all the budgets approved by the nascent state Commission of Hospitals and Health Care. Health-care lawyers still talk about that one with a touch of awe.

Wade also has a reputation as a political insider. He was counsel to the Democratic majority in the House of Representatives and to the Democratic State Central Committee when former Gov. William A. O'Neill was chairman. When former Gov. Ella T. Grasso's sparrings over lawn signs with her former lieutenant governor, Robert Killian, who left her administration to run against her for governor, turned into litigation, Wade represented Grasso. Grasso's next lieutenant governor was O'Neill, who looked to Wade as one of his closest advisers when he became governor.

When former Democratic Party boss John Bailey Sr. was being investigated, posthumously, for bribery, his estate hired Wade. No charges were filed. When the General Assembly started impeachment proceedings against Hartford Probate Judge James Kinsella in 1984, Wade represented Kinsella and took his case to the state Supreme Court. Kinsella retired before the General Assembly could vote on his impeachment.

Every case was a splashy affair--the stuff of front-page headlines. But you won't see any quotes from Wade. And that seems to be a prime engine driving his legal business.

Wade often represents people with big money in big trouble, people who want a crackerjack lawyer who keeps quiet outside the courtroom.

For example, when Manchester psychiatrist Dr. Donald Pet was accused of having sexual contact with four of his patients in 1984, he hired Wade to represent him at hearings before the state Health Department. Wade took the case to the state Supreme Court--a no-stone-unturned lawyer, he argues frequently before the high court--but when it came back to the Health Department two years later, Pet could no longer afford him and began to represent himself pro se.

When Hartford County High Sheriff Alfred Rioux found himself under investigation for an alleged fee-splitting arrangement with some favored deputies, he too hired Wade.

Tough-Guy Charm

Wade reached this eminence with a mixture of toughness, charm and a refusal to quit, according to lawyers familiar with his work.

William V. Dworski, of New Britain's Dworski and Tomassetti, squared off against Wade in a minority-party representation case involving the New Britain Board of Aldermen. The question was whether a law providing for minority-party representation, even when the party is wiped out at the polls, was constitutional. The Republicans wanted seats. Wade is a career Democrat. He represented the Democratic candidates who wanted to take all the seats they won, even though the law forbade members of one political party from occupying more than two-thirds of the seats on any municipal board in the state.

'He was kind of beaten on the law,' says Dworski. 'The law wasn't there. The thing that stands out in my mind was he said to me, --It's not over until it's over.' Wade lost, but only after an appeal was heard by the full state Supreme Court.

Wade excels at cross-examination. Former Chief State's Attorney Austin J. McGuigan, a partner at Hartford's Hoberman & Pollack, faced Wade in a case where one of McGuigan's witnesses was a drinker. The question was whether his drinking might have affected his memory. Wade established a friendly rapport with the witness that led to an admission which completely destroyed the witness' credibility.

'Wade got the guy to tell him that his two best friends were Jack and Jim: Jack Daniels and Jim Beam. I was crawling under my seat,' McGuigan says.

But others insist that Wade doesn't try cases on charm. 'His court persona is pure skill,' says James W. Bergenn, a partner at Hartford's Shipman & Goodwin. 'He doesn't do anything on charm. In court, he pushes straight ahead and relies on intellectual acuity and very careful questioning.'

Wade represented trash haulers charged with antitrust violations in *United States v. Tobacco Valley Sanitation, et al.* Wade represented Tobacco Valley, Bergenn represented one of the other defendants. The case had an all-star defense line-up, which included Zeldes and New Haven's Ira B. Grudberg, of Jacobs, Grudberg, Belt & Dow.

'Jim did a good job of hitting hard,' Bergenn recalls. 'Others of us would play different roles: tear-jerkers, finesse lawyers. Jim hits hard.'

He doesn't try to win on affability, Bergenn says. 'He wins on technical points,' he says. 'Prosecutors knew they were going to have to do a lot more work in a Jim Wade case than they would with other lawyers.'

New London State's Attorney C. Robert Satti can testify to that. Satti has a reputation for extraordinary thoroughness. When he faced Wade in the case of the murderous husband who turned up the air conditioner to mask the time of death, the legal community mumbled that even if the case wasn't the trial of the century, it might take a century. It took 17 weeks.

Satti calls Wade an intelligent attorney who 'doesn't miss any points.'

Satti says Wade endears himself to juries because he's polite and well-prepared.

'He picks and chooses his questions carefully,' Satti says. 'Only on a few occasions have I seen him ask questions of witnesses that might in some way detract from his charm.'

The lawyers who have faced Wade in court agree that he doesn't pull backdoor tricks.

'You never have to worry about your back with Jimmy Wade,' says F. Timothy McNamara, a partner at Hartford's Hoberman & Pollack. 'He comes straight at you. He never uses inappropriate tactics.'

An up-front man in court, Wade will probably always be a no-show in public. At last Wednesday's hearing, a sadder and wiser Frank Maco waved off the press and slipped out the back door with Wade. The two were gone from the damp parking lot edged with pine needles before anyone could look at them twice.

Vintage Wade.

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**WHAT PROCESS IS DUE WHEN THERE'S SCANT PROCESS AT ALL?
JUSTICE COMMISSION TACKLES MACO HEARING WITHOUT GAME PLAN**

Jaret Seiberg

The Criminal Justice Commission proved one point last week when it dismissed filmmaker Woody Allen's complaint against Litchfield State's Attorney Frank S. Maco: It's impossible to tell what process is due state prosecutors like Maco since the commission has virtually no set process at all.

This point became evident after the meeting when commission members could not agree on whether they needed to conduct a formal hearing before they could have disciplined Maco, who landed on the hot seat when he said at a press conference in September that, while he had probable cause to seek a warrant for Allen's arrest for allegedly sexually abusing his adopted daughter Dylan, he would not prosecute.

While the outcome of the debate is moot because the commission dismissed Allen's complaint, the mere fact that it occurred shows some of the problems a governmental body can encounter when it operates without rules.

Commission Chairman James F. Stapleton, a former Superior Court judge who's now with the Stamford office of Day, Berry & Howard, says the group could have disciplined Maco at last week's hearing.

'It was my view that we gave him notice and that was a sufficient hearing to warrant taking action last night,' Stapleton says.

Stapleton concedes that others on the commission might disagree. He's right. Commission member Ralph G. Elliot, of New Haven's Tyler Cooper & Alcorn, says the commission only had two options last week: dismiss the complaint or set a date for a formal public hearing.

'We would have to give notice to him that at such-and-such a time the commission would have a hearing and you have the right to have counsel present and to present witnesses,' Elliot says.

Without this notice, the commission would have violated Maco's due-process rights, Elliot says.

The dispute should not be surprising. The commission does not operate under a formal set of rules. Rather, it relies on several sketchy paragraphs contained in one state law.

Need for Due Process

Still, while the commission may lack rules and may fail to follow the model other criminal-justice agencies use--they go for a two-tiered set-up, with a probable cause hearing followed by a hearing on the merits--it does not mean that the process is unfair, according to several constitutional-law experts and attorneys involved in the Maco case.

State constitutional-law expert Wesley W. Horton, of Hartford's Moller, Horton & Rice, says as long as the committee notifies the prosecutor of the charges and gives the prosecutor a chance to respond, then it has met due-process requirements.

Horton says there is no need for a two-tiered system like the Judicial Review Council uses. 'It is up to the discretion of the commission,' he says.

Geoffrey C. Hazard Jr., a Yale Law School professor who teaches civil procedure, says the commission can approach the task any number of ways, as long as it allows the employee to know what the charges are and provides him with the opportunity to defend himself.

'I think the notion that there is a single way to do these things is wrong,' Hazard says.

Robert N. **Chatigny**, of Hartford's **Chatigny & Cowdery**, who represented Woody Allen in the Maco matter, says he believes the commission gave his client a fair hearing.

'The commission was very good to us to allow us to attend,' **Chatigny** says. 'We were in the room for several hours with lots of discussion. I think the commission went overboard to show us a fair time.'

Stapleton also says he believes all parties received a fair shake. 'There were five lawyers in the room,' he says with a laugh. 'That should be enough.'

Maco did not return a call seeking comment. His lawyer, James A. Wade, declines comment. (For more about Wade, see related story, next page.)

No Outside Counsel?

The commission's meeting began with a snag. Before Allen's three lawyers could comment, Wade objected to their presence and asked the commission to remove them. **Chatigny** says Wade told the commission that Allen and his counsel no longer had a role in the dispute because they already had filed the complaint. Therefore, they should be excluded from the commission's executive session, Wade argued.

The commission rejected that argument and opened its executive session with statements from both sides. Each side then responded to the other's statement. That led to more than an hour of questions from commission members, according to Elliot.

Elliot says that during the statements, board members examined the transcripts and other filings. He says they then dismissed the lawyers and discussed the case.

Stapleton classifies these discussions as extensive. When they completed them four hours after starting the meeting,

the commission went public. Stapleton opened this portion of the meeting by saying the commission considered Allen's charge that Maco violated [Rules 8.4](#) and [3.6 of the Rules of Professional Conduct](#), which prohibit prejudicial comments and statements that could affect a trial.

Stapleton then moved that the commission dismiss the charges. Elliot seconded the motion. But, before the vote, commission member and Superior Court Judge A. William Mottolese interjected.

He said he believed that while Maco did not violate any of the rules, his conduct was insensitive and inappropriate. He says Maco could have fulfilled his obligation to explain his decision without damaging Allen's reputation.

'I feel that we should not limit ourselves to the specific complaint,' Mottolese said. 'But I think we should look at Maco's conduct as a whole.'

The rest of the commission, however, ignored the proposal, suggesting they already had dismissed that idea while in executive session.

Barry K. Stevens, a Stratford-based attorney and commission member, disagreed with Mottolese and defended Maco, saying the public simply did not understand the prosecutor's comments.

Elliot also expressed support for Maco, saying that he only was trying to explain his decision as a public servant should. 'That is what a democracy is all about.'

The commission then voted unanimously to dismiss the complaint. At that point, Maco and Chief State's Attorney John M. Bailey, also a commission member, left the room together with Maco patting Bailey on the back. At the same time, attorneys for Allen congregated in the hall to plan their next move.

The move turned out to be a press conference in front of the building housing the Office of the Chief State's Attorney, where the meeting was held.

Allen attorney Elkan Abramowitz, of New York's Morvillo, Abramowitz, Grand, Iason & Silberberg, told the crowd of local media representatives that they believed they won even though the commission tossed the complaint.

'To the extent that there was some criticism, we are very, very grateful,' Abramowitz said.

Not Over Yet

If Abramowitz is pleased, he should thank Connecticut's voters for deciding to create the Criminal Justice Commission during a 1984 state constitutional referendum.

The amendment ended a 280-year practice which gave judges the authority to hire and fire prosecutors. James J. Murphy Jr., the first chairman of the commission and a partner at Norwich's Berberick, Murphy, Devine & Whitty, says lawyers began to feel uncomfortable with the setup because it left prosecutors beholden to the judges.

Then-Chief State's Attorney Austin J. McGuigan defended the status quo in a March 1984 speech to the General Assembly's Judiciary Committee, saying it would be better than the current proposal to allow the governor to appoint the state's attorneys.

'Even the most vocal of these critics point to not one instance in 280 years where a conflict of interest has been established between a judge and a prosecutor,' McGuigan said.

McGuigan then told lawmakers that if they wanted change, they should add (it,ibd,d061225) an amendment that would give an independent commission the authority to hire and fire prosecutors. This was not a new suggestion. McGuigan told the legislature the state's attorneys had been making it since 1979.

The Judiciary Committee adopted that suggestion and by May 1984 the legislature had approved a seven-member Criminal Justice Commission consisting of the chief state's attorney, two Superior Court judges and four gubernatorial appointees.

Fairfield State's Attorney Donald A. Browne, chairman of the Council of State's Attorneys, says at the time the legislature was debating the amendment, it never considered how the commission would carry out its job.

The voters approved the amendment later that year and the legislature enacted the commission's rather skimpy guidelines the following year.

'The reason those procedures were adopted was to comply with the uniform procedures act,' Murphy says. 'That was the advice we had from the Attorney General's office at the time.'

Murphy says while the rules do not specifically state that members of the public can file complaints, the commission always intended to leave that avenue open. And, he says it always intended to give state's attorneys a formal hearing prior to disciplining them.

But that is not amplified upon in [C.G.S. §51-278](#), which gives the commission the authority to hire and fire state's attorneys. The law only says that no state's attorney 'may be removed from office except by order of the criminal justice commission after due notice and hearing.'

That's it for legislative guidance.

The only other source for information on how to proceed with a complaint appears to come from part of the statute dealing with removing the chief state's attorney and from an opinion from the attorney general concerning removing assistant state's attorneys.

The chief state's attorney statute requires the commission to conduct an investigation and prepare in writing a statement of the charges and a summons to appear at a hearing to explain why he or she should not be removed from office. At this hearing, the chief state's attorney can have counsel, examine witnesses and submit evidence. The commission then must issue a formal opinion.

The AG's opinion also does not directly apply to state's attorneys. Instead, the 1986 opinion refers to assistant state's attorneys, which means the decision no longer has practical effect because the collective bargaining agreement requires state's attorneys to assume disciplinary functions for their assistants. But even this opinion lays down a framework that the commission lacks. It requires the commission to state the time and place of the hearing, the legal authority under which the hearing is being held, the statutes, regulations or policies implicated, and a concise statement of the charges. The opinion also requires the commission to conduct an open hearing, at which the employee has the opportunity to cross-examine witnesses and present his or her case.

This lack of guidance is in stark contrast to other agencies in the criminal-justice arena. The Judicial Review Council, for instance, has detailed rules that it must follow. These include a two-stage process: the first is a secretive probable cause hearing and the second is an open adversarial hearing.

The Statewide Grievance Committee also has established rules that set a strict structure for all complaints, which include a secret probable-cause hearing and a more open formal hearing if the committee finds probable cause.

Allen soon may learn first-hand about this grievance process. Abramowitz says Allen still plans to pursue his grievance, and he is considering a civil action against Maco.

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